

ESTTA Tracking number: **ESTTA49835**

Filing date: **10/21/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Jim McLean Enterprises, Inc.		
Entity	Corporation	Citizenship	Florida
Address	4400 N.W. 87th Avenue Miami, FL 33178 UNITED STATES		

Attorney information	Michelle L. Visser Rader, Fishman & Grauer PLLC 39533 Woodward Avenue, Suite 140 Bloomfield Hills, MI 48304 UNITED STATES tmdocketing@raderfishman.com Phone:248-594-0644
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Registration Subject to Cancellation

Registration No	2081148	Registration date	07/22/1997
Registrant	Sean Vanhorne for Vanhorne Inc. 2470 Hopewell Plantation Dr. Alpharetta, GA 30201 UNITED STATES		
Goods/Services Subject to Cancellation	Class 025. First Use: 19960316, First Use In Commerce: 19960316 Goods/Services: golf apparel, namely, hats, shirts, pants, gloves, sweaters, shorts, socks, and jackets		
Grounds for	The registered mark has been abandoned.		

Cancellation	
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Attachments	Untitled.pdf (2 pages)
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Signature	/Michelle L. Visser/
Name	Michelle L. Visser
Date	10/21/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JIM MCLEAN ENTERPRISES, INC.

Petitioner,

v.

SEAN VANHORSE FOR VANHORSE INC.

Registrant.

_____ /

Cancellation No.: _____

Registration No. 2,081,148

Mark: X-FACTOR & DESIGN

PETITION FOR CANCELLATION

Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

1. Petitioner, Jim McLean Enterprises, Inc., a Florida corporation at 4400 N.W. 87th Avenue, Miami, Florida 33178 ("Petitioner"), believes that it will be damaged by the continued registration of X-FACTOR & DESIGN that is the subject of Registration No. 2,081,148 by Sean VanHorse for VanHorse Inc. ("Registrant") and hereby petitions for its cancellation on the ground that Registrant has abandoned the X-FACTOR & DESIGN mark with no intent to resume use of the mark.

2. On information and belief, Registrant, Sean VanHorse for VanHorse Inc., is a Georgia corporation at 2470 Hopewell Plantation Drive, Alpharetta, Georgia 30004, and is recited as owner of Registration No. 2,081,148 for the mark X-FACTOR & DESIGN, which covers "*golf apparel, namely, hats, shirts, pants, gloves, sweaters, shorts, socks, and jackets,*" registered on July 22, 1997.

3. Upon information and belief, Registrant has discontinued use of the mark in Registration No. 2,081,148 with no intent to resume use.

4. On February 27, 2004, Petitioner filed Application Serial No. 78/375,460 for the mark X-FACTOR which currently covers "*pre-recorded video tapes featuring golf*" in International Class 9

and “*educational services, namely, providing instruction, training and courses in the field of golf*” in International Class 41.

5. Registration of Petitioner’s Application Serial No. 78/375,460 has been refused based on Registration No. 2,081,148. The Office believes that the mark in Application Serial No. 78/375,460 as used in connection with “*pre-recorded video tapes featuring golf*” in International Class 9 and “*educational services, namely, providing instruction, training and courses in the field of golf*” in International Class 41, so resembles the mark in Registration No. 2,081,148 as used in connection with “*golf apparel, namely, hats, shirts, pants, gloves, sweaters, shorts, socks, and jackets,*” as to be likely to cause confusion, or to cause mistake or deceive.

6. Therefore, Petitioner is likely to be damaged by the continued registration of Registration No. 2,081,148.

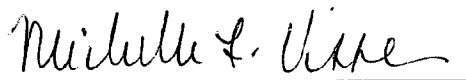
WHEREFORE, PETITIONER PRAYS THAT Registration No. 2,081,148 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

The Commissioner is authorized to charge the \$300.00 filing fee for this Petition for Cancellation to Deposit Account No. 18-0013.

Respectfully submitted,

JIM MCLEAN ENTERPRISES, INC.

By Its Attorneys



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Date: October 21, 2005

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